

Notice of Allowability

Application No.

10/575,477

Examiner

Karuna P. Reddy

Applicant(s)

WICKER ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1,2,5,8,9,12,13 and 15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This office action is in response to the remarks/arguments filed on 12/18/2007.
2. The obviousness-type double patenting rejection is the only rejection pending in current application and is withdrawn without a need for terminal disclaimer because of its earlier filing date. See MEEP § 804 (R-5).

Allowable Subject Matter

3. It is noted that the present claims are amended to recite a polymer composition consisting essentially of:
 - a) a mixture of low molecular weight (meth)acrylate (co)polymer composed of 50 to 90% by weight of methyl methacrylate, 10 to 20 % by weight of styrene and 5 to 15% by weight of maleic anhydride having a solution viscosity in CHCl_3 at 25°C of 45 to 55 ml/g,
 - b) an impact modifier based on crosslinked (poly)methacrylates,
 - c) A relatively high molecular weight (meth)acrylate (co)polymer composed of 50 to 90% by weight of methyl methacrylate, 10 to 20 % by weight of styrene and 5 to 15% by weight of maleic anhydride having a solution viscosity in CHCl_3 at 25°C of greater than or equal to 65 ml/g, and/or

d) A (meth)acrylate (co)polymer other than a) having a solution viscosity in CHCl_3 at 25°C of 50 to 55 ml/g, where each of a), b), c) and/or d) may be individual polymer or a mixture of polymers, where the entirety of a), b), c) and/or d) is 100% by weight of polymer mixture.

The closest prior art, viz., Mazur et al (US 6, 020, 416), Kress et al (US 4, 895, 898), Suetterlin (US 4, 513, 118), taken individually or in combination, does not disclose or suggest the polymer composition of present claims. Thus Mazur et al teach a polymer blend of three copolymers none of which have maleic anhydride as a monomer component; Kress et al teach a polymer blend of four copolymers with thermoplastic polycarbonate making up more than 50% by weight of the composition, in all examples and one of the copolymers having an intrinsic viscosity of 2 to 10 ml/g in dimethylformamide at 25°C ; and Suetterlin teaches emulsion polymers for modifying impact strength.

In view of the above discussion, rejections of record are overcome and the claims are passed to issue.

As of the date of this Notice of Allowability, the Examiner has not located or identified any reference that can be used singularly or in combination with another reference including US '394 or JP '099 A or JP '343 A to render the present invention anticipated or obvious to one of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karuna P. Reddy whose telephone number is (571) 272-6566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Application/Control Number:
10/575,477
Art Unit: 1796

Page 5

Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

Karuna P Reddy
Examiner
Art Unit 1796

/KR/

/Vasu Jagannathan/
Supervisory Patent Examiner
Technology Center 1700